

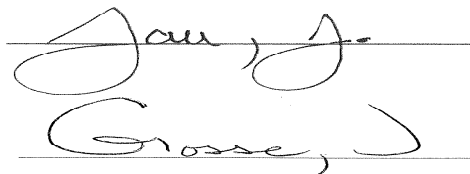
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

|                      |   |                     |
|----------------------|---|---------------------|
| STATE OF WASHINGTON, | ) | No. 62669-8-I       |
|                      | ) |                     |
| Respondent,          | ) | DIVISION ONE        |
|                      | ) |                     |
| v.                   | ) |                     |
|                      | ) |                     |
| RICKY LEE HORNE,     | ) | UNPUBLISHED OPINION |
|                      | ) |                     |
| Appellant.           | ) | FILED: May 3, 2010  |

PER CURIAM. Ricky Horne appeals his conviction for second degree rape and his life sentence under the Persistent Offender Accountability Act. Horne's challenge to his conviction and RCW 10.58.090 is controlled by this court's recent decisions in State v. Scherner, 153 Wn. App. 621, \_\_\_ P.3d \_\_\_ (2009) and State v. Gresham, 153 Wn. App. 659, 223 P.3d 1194 (2009). His challenge to his sentence is based on the validity of decisions that are binding on this court. State v. Thorne, 129 Wn.2d 736, 921 P.2d 514 (1996); State v. Manussier, 129 Wn.2d 652, 921 P.2d 473 (1996), cert. denied, 520 U.S. 1201 (1997); State v. Wheeler, 145 Wn.2d 116, 34 P.3d 799 (2001); State v. Jones, 159 Wn.2d 231, 149 P.3d 636 (2006); State v. Thiefaul, 160 Wn.2d 409, 158 P.3d 580 (2007). Accordingly, we affirm the conviction and sentence.

Affirmed.

For the Court:

Handwritten signature of Judge Grosse, written in cursive over a horizontal line.

Cox, J.